

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Homeless Services Reform Act of 2005 to establish an Office of Shelter Monitoring (“Office”) to monitor shelter and services provided by the District and its contractors to clients who are homeless, to enumerate the powers and duties of the Office, to establish basic procedures for the Office, to provide for the staff of the Office, to prohibit retaliation against a client or provider employee who cooperates in the monitoring efforts of the Office, to require the Mayor to issue rules on the administration of emergency cash assistance grants to individuals and families who are at imminent risk of becoming homeless, and to establish an intake center for persons in need of crisis intervention services located in close proximity to the Landlord and Tenant Branch of the Superior Court of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Shelter Monitoring and Emergency Assistance Amendment Act of 2006”.

Sec. 2. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

- (a) The table of contents is amended by inserting after the phrase “Sec. 27. Administrative review.” the following:
- “Sec. 27a. Establishment of Office of Shelter Monitoring.
 - “Sec. 27b. Powers and duties of the Office.
 - “Sec. 27c. Shelter monitoring reports.
 - “Sec. 27d. Shelter monitoring staff.
 - “Sec. 27e. Retaliation prohibited.
 - “Sec. 27f. Policies and procedures for shelter monitoring.”.

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(b) Section 2 (D.C. Official Code § 4-751.01) is amended as follows:

**Amend
§ 4-751.01**

(1) Paragraph 9 is amended by striking the phrase “mortgage payments,” and inserting the phrase “mortgage payments, utility assistance,” in its place.

(2) Paragraph 18(A) is amended to read as follows:

“(A) Lacking a fixed, regular residence that provides safe housing, and lacking the financial means to acquire such a residence immediately; or”.

(3) A new paragraph (27A) is added to read as follows:

“(27A) “Office” means the Office of Shelter Monitoring established pursuant to section 27a.”.

(4) A new paragraph (32A) is added to read as follows:

“(32A) “Safe housing” means housing that does not jeopardize the health, safety, or welfare of its occupants and that permits access to electricity, heat, and running water for the benefit of occupants.”.

(c) Section 3 (D.C. Official Code § 4-754.01) is amended as follows:

**Amend
§ 4-754.01**

(1) Subsection (a) is amended by striking the phrase “9-27” and inserting the phrase “9-27f” in its place.

(2) Subsection (b) is amended by striking the phrase “9-27” and inserting the phrase “9-27f” in its place.

(d) Section 4(b) (D.C. Official Code § 4-752.01(b)) is amended as follows:

**Amend
§ 4-752.01**

(1) Paragraph 6 is amended by striking the phrase “population; and” and inserting the phrase “population;” in its place.

(2) Paragraph 7 is amended by striking the phrase “members.” and inserting the phrase “members; and” in its place.

(3) A new paragraph 8 is added to read as follows:

“(8) The administrative head of the Office of Shelter Monitoring, who shall be a non-voting member.”.

(e) Section 7 (D.C. Official Code § 4-753.01) is amended by adding a new subsection (e) to read as follows:

**Amend
§ 4-753.01**

“(e) Pursuant to section 31, the Mayor shall issue rules on the administration of emergency assistance grants offered as crisis intervention services to individuals and families in need of cash assistance for mortgage, rent, or utility bills in arrears or for a security deposit or first month’s rent.”.

(f) Section 8(c) (D.C. Official Code § 4-753.02(c)) is amended by adding a new paragraph (1A) to read as follows:

**Amend
§ 4-753.02**

“(1A) The Mayor shall operate an intake center specializing in crisis intervention services and located in close proximity to the Landlord and Tenant Branch of the Superior Court of the District of Columbia.”.

(g) Section 9(11) (D.C. Official Code § 4-754.11(11)) is amended by striking the phrase “File complaints with” and inserting the phrase “File complaints with, testify before, or provide

**Amend
§ 4-754.11**

information to” in its place.

(h) Section 17(b) (D.C. Official Code § 4-754.31(b)) is amended by striking the phrase “Inspections shall be conducted:” and inserting the phrase “Except for inspections of shelters monitored by the Office of Shelter Monitoring pursuant to section 27b, inspections shall be conducted:” in its place.

Amend
§ 4-754.31

(i) New sections 27a through 27f are added to read as follows:

“Sec. 27a. Establishment of Office of Shelter Monitoring.

“There is established within the Department of Human Services an Office of Shelter Monitoring to monitor shelters and services provided by the District and its contractors to clients who are homeless.

“Sec. 27b. Powers and duties of the Office.

“(a) The Office shall monitor the conditions, services, and practices at shelters, evaluating the following, to the extent applicable:

“(1) Health, safety, and cleanliness of shelters;

“(2) Policies, practices, and program rules;

“(3) Accessibility of shelters to clients with disabilities;

“(4) Appropriateness of shelters for families;

“(5) Respect for client rights established by sections 9 and 10;

“(6) Compliance with provider standards established by sections 12 through 16;

“(7) Comments of shelter clients and program staff;

“(8) Ability of the program to facilitate transition from homelessness to permanent housing; and

“(9) Any other information deemed appropriate.

“(b) The Office shall conduct inspections on the premises of each shelter covered by section 3.

“(c) The Office shall receive complaints about programs, facilities, and services provided within the continuum of care and shall investigate programs not in compliance with the applicable standards established in this act or with other requirements or agreements.

“(d) The Office shall establish procedures for notifying providers of deficiencies and procedures for correcting those deficiencies in a timely manner.

“(e) During any inspection or investigation conducted pursuant to this section, the provider shall make available to the Office for examination any records or other materials related to the delivery of its services, including records related to clients and to internal complaints, in accordance with the confidentiality requirements of section 9(7).

“(f) The Office shall ensure confidential treatment of the personal, social, legal, financial, educational, and medical records and information related to a client or any member of a client’s family, whether obtained from the client or from any other source, consistent with confidentiality requirements of District and federal law. The Office shall not disclose the identity of any person who brings a complaint or provides information to the Office without the

person's consent, unless the Office determines that disclosure is unavoidable or necessary to further the ends of an inspection or investigation.

“(g) The Office shall encourage appropriate use of mediation, fair hearing, and administrative review processes for resolving grievances, pursuant to sections 25, 26, and 27.

“(h) The Office shall post in prominent places at each program and shelter site its contact information, its procedures for accepting complaints, and procedures for requesting mediation, a fair hearing, or administrative review of grievances.

“Sec. 27c. Shelter monitoring reports.

“(a) The Office shall issue reports summarizing the findings of each inspection or investigation it conducts.

“(b) The Office shall make available, upon request, each report issued pursuant to subsection (a) of this section to the provider, the Mayor, and all members of the Interagency Council. Upon request, the Office shall deliver an appropriate number of copies of the final report to the shelter for distribution to clients.

“(c) The Office, in coordination with the Interagency Council, shall issue the general findings of its monitoring efforts as a section of the annual report required under section 5(5).

“Sec. 27d. Shelter monitoring staff.

“(a) Employees of the Office shall agree in writing to comply with all applicable confidentiality requirements in accordance with their official duties.

“(b) The Office shall train its employees, as appropriate, in compliance with applicable confidentiality restrictions, in homeless shelter program evaluation, and in sensitivity to the diversity of persons who are homeless in the District.

“(c) The Office shall endeavor to hire staff who reflect the diversity of people accessing shelter in the District, including with respect to disability status, language, and experience being homeless.

“Sec. 27e. Retaliation prohibited.

“No person shall retaliate against a person who brings a complaint or provides information to the Office relevant to the performance of its duties. The Office shall report any violation of this section to the Interagency Council and the Office of the Inspector General.

“Sec. 27f. Policies and procedures.

“The Mayor, pursuant to section 31 and in consultation with the Interagency Council, shall set forth the policies and procedures for inspections, procedures for identifying and curing deficiencies, and procedures for taking enforcement actions against providers in violation of the standards of this act . The policies and procedures may include criteria for the provision of performance-based bonuses or penalties for providers.

(j) Section 29 (D.C. Official Code § 4-755.02) is amended by adding a new subsection (d) to read as follows:

**Amend
§ 4-755.02**

“(d) After the fiscal year ending September 30, 2007, the District may not enter into agreements with third parties to execute its shelter monitoring duties set forth in this act.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia